



State of Louisiana
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO
GOVERNOR

SEP 29 2005

MIKE D. McDANIEL, Ph.D.
SECRETARY

**EXHIBIT
10**

**CERTIFIED MAIL 7003 2260 0000 5816 6345
RETURN RECEIPT REQUESTED**

Ms. Veronica T. White, Director
Department of Sanitation
City of New Orleans
1340 Poydras Street, Suite 750
New Orleans, Louisiana 70112

RE: Order to Commence
Gentilly Landfill "Type III"
AI 1036/D-071-0264/P-0375
Orleans Parish (PER20020001)

Dear Ms. White:

Under the authority of the Louisiana Environmental Quality Act (La. R. S. 30:2001 et seq.), I hereby issue the enclosed Order Authorizing Commencement of Operation for the above-referenced facility.

You should reference your Agency Interest Number (1036), Facility Identification Number (D-071-0264) and Permit Number (P-0375) on all correspondence regarding this permitting activity.

If you have any questions concerning this matter, please contact Cheryl O'Neal at (225) 219-3065.

Sincerely,

Chuck Carr Brown, Ph.D.
Assistant Secretary

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Enclosure

c: Southeast Regional Office
Jonathan McFarland, OEA, ETD

Mr. Gary Horwitch
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014



IN THE MATTER OF

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R. S. 30:2001 et seq.**

FINDINGS OF FACT

On December 28, 2004, the Assistant Secretary of the Office of Environmental Services issued Standard Permit P-0375 to The City of New Orleans for a Type III Construction and Demolition Debris and Woodwaste Landfill, Gentilly Landfill "Type III" (hereinafter referred to as the "Facility").

II.

On October 16, 2005, the Department received re-certification of the closure for Phase II of the landfill. The cover of the previously operated landfill forms the liner for the Gentilly Landfill "Type III." Additionally, certification regarding the construction of Gentilly Landfill "Type III" in accordance with the provisions of the permit application and Permit P-0375 was submitted on October 16, 2005.

III.

A site visit was performed on October 22, 2004, and it was noted that the gate was locked. The Department has been informed that structures and fencing outside the perimeter of the cell have not yet been completed as the conditions following Hurricane Katrina have not allowed completion of these remaining details. In view of the extenuating circumstances and the need for immediate available disposal for construction/demolition debris and woodwaste generated in the Greater New Orleans area by the hurricane, the Department is prepared to issue, as conditioned here, this Order to Commence allowing the acceptance of waste at this newly permitted facility.

IV.

All conditions of permit issuance are to remain as conditions of operation.

V.

The City of New Orleans is to complete all remaining facility structures such as fencing by January 31, 2006. An inspection to verify completion of the permit requirements will be conducted on February 1, 2006.

VI.

The City of New Orleans will furnish proof of the establishment of a stand-by trust fund as required by LAC 33:VII.727 for the purposes of ensuring the availability of monies sufficient to provide closure and post-closure financing for this landfill as prescribed in the permit. It is a condition of the permit that all income derived from the disposal of materials into the landfill, excluding the actual costs of physical improvements to the site as required to meet the permit conditions specified above, will be deposited

directly into the established Stand-by Trust Fund until such time as the fund can be released from this condition by the establishment of alternate financial assurance as specified by the Facility Permit P-0375.

ORDER

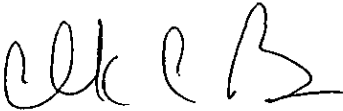
Based on the foregoing **FINDINGS OF FACT**, the Permittee is hereby authorized:

I.

To commence operation of the Facility in accordance with Standard Permit No. P-0375.

This **ORDER AUTHORIZING COMMENCEMENT OF OPERATION** is effective on receipt.

Done at Baton Rouge, Louisiana on this 29th day of September, 2005.



Chuck Carr Brown, Ph.D.
Assistant Secretary

Please direct all correspondence related to this matter to:

Ms. Cheryl O'Neal
Office of Environmental Services
Water and Waste Permits Division
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

Louisiana Department of Environmental Quality

Office of Environmental Services
Solid & Hazardous Waste Permits
P.O. Box 4313
Baton Rouge, LA 70821-4313
Fax Transmittal
(225) 219-3158

TO: Gary Horwitch

COMPANY: _____

FAX NUMBER: 208-955-3529

FROM: Cheryl A. Neal

COMMENTS: Order to Commence

IF YOU HAVE PROBLEMS RECEIVING THIS FAX PLEASE CALL (225) 219-3070

DATE: 9/30/05

NUMBER OF PAGES TO FOLLOW: 4

COMMENTS: